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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,763	11/26/2003	Wesley S. Sloan	56048-00003USPT	9704

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JENKENS & GILCHRIST, PC
1445 ROSS AVENUE
SUITE 3200
DALLAS, TX 75202

EXAMINER

MEISLIN, DEBRA S

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/723,763	SLOAN, WESLEY S.	
	Examiner	Art Unit	
	Debra S Meislin	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/30/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. Receipt of the drawings filed April 6, 2004 is acknowledged.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "6" has been used to designate both a leaf spring (figures 1A, 1B, 2) and a wedge-shaped element (figure 3). Reference character "10" has been used to designate both a spring dampener (figures 1A, 1B, 2), a wedge (figure 3), and a frame (figure 6). Reference character "11" has been used to designate both a circular bushing (figure 2) and an oblong slot (figure 5). Different embodiments must be separately numbered.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the dampener formed as a wedge that abuts the spring and the armature bar must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Figure 5 discloses an armature bar having an oblong slot therein. However, reference number "11" is defined as a bushing in the specification. Clarification is required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the

Art Unit: 3723

changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: reference to “photographs” on pages 7 and 10 is improper. Newly filed drawings do not include photographs. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The structure and operation of the “armature bushings” as shown in figures 1A, 2, and 5 is not understood. How do the bushings cooperate with the elements of the device to decrease vibrations, decrease noise, and assist in the return of the armature bar to the starting position?

The structure and operation of the “dampener 10” as shown in figure 3 is not understood. How does the wedge “10” that engages the needle decrease vibrations and increase the duty cycle?

In claim 4, “said dampener” is defined as further comprising an elastomeric member couple to the coil. However, claim 1 defines the dampener to increase the frequency of the oscillations of the armature bar. It is not clear from the original

Art Unit: 3723

disclosure how the elastomeric member coupled to the coil increases the frequency of the oscillations of the armature bar.

4. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 12-13 appear to be misdescriptive since the specification defines the resistor as being coupled to ground and the capacitor as being coupled to a power source. Note figure 4C and page 12, lines 5-7 of the specification.

Claim 3 appears to be directed to an embodiment wherein the dampener is a wedge structure located on top of the armature bar and claim 2 (on which claim 3 depends) appears to be directed to an embodiment wherein the dampener is an elastomeric ring. Consequently, claim 3 appears to be improperly dependent upon claim 2.

In claim 4, "said dampener" is defined as further comprising an elastomeric member couple to the coil. However, claim 1 defines the dampener to increase the frequency of the oscillations of the armature bar. It is not clear from the original disclosure how the elastomeric member couple to the coil increases the frequency of the oscillations of the armature bar. Consequently, claim 4 appears to be misdescriptive.

Claim 7 appears to be directed to an embodiment wherein the dampener is a wedge structure located on top of the armature bar and claim 6 (on which claim 7 depends) appears to be directed to an embodiment wherein the dampener is an

Art Unit: 3723

elastomeric ring. Consequently, claim 7 appears to be improperly dependent upon claim 6.

In claim 8, line 4, "said electromagnet" lacks antecedent basis.

In claim 8, "said dampener" is defined as further comprising an elastomeric member couple to the coil. However, claim 5 defines the dampener as controlling the rate of oscillations of the armature bar. It is not clear from the original disclosure how the elastomeric member coupled to the coil controls the rate of oscillations of the armature bar. Consequently, claim 8 appears to be misdescriptive.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Moniz in view of Becker et al.

Moniz discloses all of the claimed subject matter except for having a resistor, a dampener operable to increase the frequency of the oscillation so the armature bar, and a dampener comprising an elastomeric member. Becker et al discloses a resistor and capacitor, a dampener (switching circuit) operable to control the rate or frequency of oscillation, and a dampener comprising an elastomeric member. See the abstract. It would have been obvious to one having ordinary skill in the art to form the device of Moniz with a resistor, a dampener (switching circuit) and an elastomeric member

Art Unit: 3723

operable to control the rate or frequency of oscillations and to provide a quiet device as taught by Becker et al.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin
Primary Examiner
Art Unit 3723

February 18, 2005